
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIANNUAL REPORT

September – December 2006

Presented to the
Metropolitan King County Council

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INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for May 1 through August 31, 2006.

During the report period, the Office of Citizen Complaints received 654 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 25 complaint investigations, and completed 31 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:¹ Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

Complainants, respondents, directors of administrative agencies, and other parties of record are provided with the results of our findings.

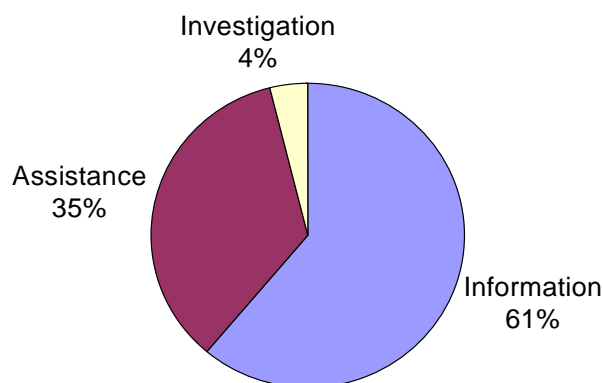
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
September – December 2006

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	66	78	15	159
Assessor	0	0	0	0
Boards and Commissions	0	0	0	0
Community and Human Services	7	2	0	9
Development and Environmental Services	1	31	2	34
District Court	4	2	0	6
Executive	1	2	0	3
Executive Services	44	11	1	56
Judicial Administration	1	0	0	1
Metropolitan King County Council	17	16	0	33
Natural Resources and Parks	6	2	0	8
Prosecuting Attorney's Office	8	0	0	8
Public Health	16	55	5	76
Sheriff's Office	21	3	2	26
Superior Court	8	0	0	8
Transportation	17	15	0	32
Non-jurisdictional ²	183	12	0	195
Total	400	229	25	654

Chart A
Disposition of Total Inquiries Received
September – December 2006



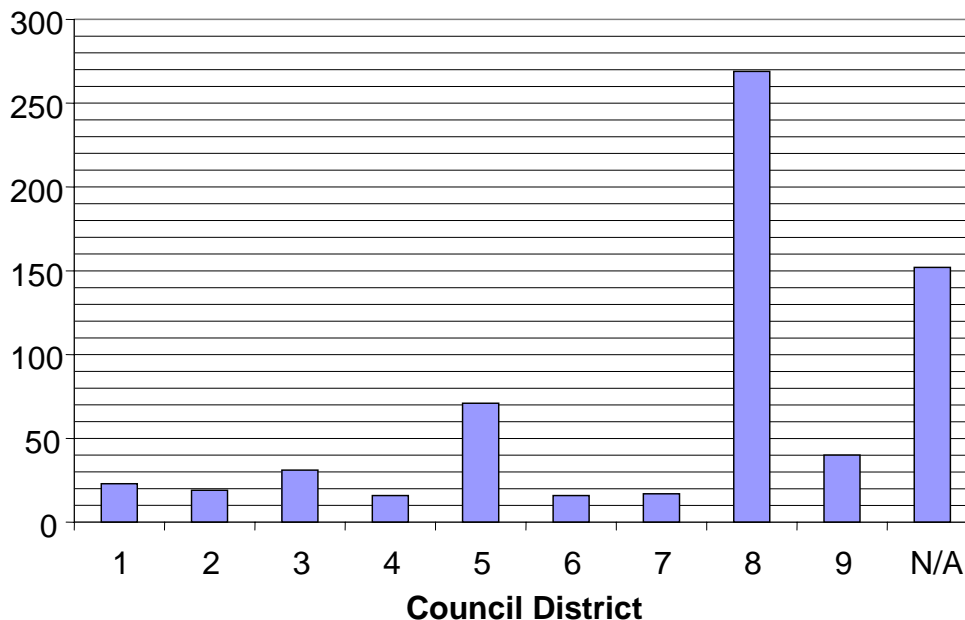
² The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
September – December 2006

District	Councilmember	Inquiries
1	Bob Ferguson	23
2	Larry Gossett	19
3	Kathy Lambert	31
4	Larry Phillips	16
5 ³	Julia Patterson	71
6	Jane Hague	16
7	Pete von Reichbauer	17
8 ⁴	Dow Constantine	269
9	Reagan Dunn	40
N/A	Unavailable	152
Total		654

Chart B
Inquiries by Council District
September – December 2006



³ Inquiries for this district may be higher due to the number of calls from the Kent Jail facility.

⁴ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Indigent inmates housed in 10-man tank are not being provided soap they must use for showers, hand washings, and laundry. Inmate who had funds for commissary was sharing soap with indigent inmate who had no funds to purchase soap. Concerned about unsanitary conditions and transmission of Methicillin-resistant Staphylococcus aureus (MRSA) and other contagious diseases. Grievances were filed, but no response or any action has been taken.	Resolved. Ombudsman staff reviewed inmate grievances. Responding officer initially stated there was no soap at the staff station, and would have to be ordered from commissary. Officer then apologized for previously providing incorrect information, and stated that he was instructed to maintain soap at officers' station. Ombudsman staff contacted shift commander who followed-up with another officer who did not provide soap to an indigent inmate and determined that officer denied the request because they ran out of soap in that area. Transmitted complaint to DAJD Director. Requested response as to whether: (1) any action will be taken to ensure officers provide soap when requested; (2) adequate supplies of soap will be available at all times; and (3) steps are being taken to prevent MRSA. DAJD Director responded: (1) another roll call reminder has been delivered to staff; (2) housing unit supply of soap for indigent inmates has been increased; and (3) information regarding prevention of MRSA is now a subject in the new employee orientation, annual staff training, and inmate orientations.
Inmate was not provided soap when requested. Concerned about contracting Methicillin-resistant Staphylococcus aureus (MRSA).	Resolved. This case was transmitted with 2006-01805 to Department Director and response was incorporated with this case.
Complainant alleges officer shut electronic door on complainant causing injury. Complainant filed grievances, but there is no record.	Unsupported. Transmitted complaint to Department Director. Reviewed IIU file. Based on department's response, review of IIU's investigation, and investigative efforts by this Office, we were unable to conclude as to whether the officer shut electronic door on complainant causing injury. IIU investigation was insufficient. Inmate provided release of information for his medical records to this Office. The only documentation that inmate reported he was injured after the door was closed on him was in his medical record.

⁵ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

Synopsis	Disposition
Inmate was removed from tank to a private area and subjected to unauthorized strip search. Cell was searched and commissary items were confiscated	Unsupported. Interviewed complainant and complainant's witness. Transmitted complaint to agency. Reviewed IIU investigative file. Inmate had received stolen commissary items as repayment of another inmate's debt. Upon receiving a tip about inmate's possession of stolen commissary, Jail staff searched inmate's cell. Stolen commissary items were identified and confiscated. Jail reports indicate that inmate was not subjected to strip search because there was no need to do so. Statements from complainant's witnesses did not support allegation. Jail records do not indicate that inmate pursued grievance process.
Complainant alleges being beaten up by another inmate with mental issues and a history of violence due to corrections staff negligence.	Discontinued. Requested witness statements from all inmates in the tank area; interviewed complainant, witnesses, Jail Health Services and DAJD staff; sent medical records release request; reviewed medical records and relevant DAJD policies and procedures Complainant then expressed intent to file Claim for Damages against King County, and requested a claim form, which this office provided. Investigation file closed pursuant to KCC 4.12.060 (Risk Management).
Complainant alleges Corrections Officers used unnecessary force and the unauthorized use of pepper spray.	Partially Supported. Agency used unnecessary force and the unauthorized use of pepper spray. As part of investigation, interviewed witnesses and DAJD staff; reviewed IIU investigative documents, department policies and procedures and relevant RCWs on use of force. Final report showed there was no evidence found to support the allegation of assault. However, DAJD concurred that officer's misconduct relative to the possession of unauthorized pepper spray was supported. Appropriate corrective action was taken.
Pro se inmate alleges unfair charges for copies of legal work.	Unsupported. Interviewed staff at DAJD; reviewed policy and procedures related to new pro se rules, and inmate account summary of charges for copying. Complainant advised that there was insufficient evidence that overcharges for copying had occurred, and that DAJD appeared to have followed procedures relative to pro se legal copying requirements as stated in the pro se policies and procedures. Pro se guidelines provided to every pro se inmate.

Synopsis	Disposition
Complainant alleges being attacked by another inmate who, due to jail staff negligence, was in possession of a broom handle.	Unsupported. Interviewed complainant; requested witness statements from all inmates housed in tank, reviewed medical records and inmate infraction, incident and disciplinary reports. Evidence showed that both inmates were involved and infractioned for fighting. The complainant admitted having original possession of the broom handle (left in area by DAJD staff) wrested away by assailant and used in the assault. The assailant was charged with assault by the Prosecuting Attorney. DAJD is reviewing cleaning equipment procedures with staff.
Complainant alleges excessive force by corrections officers.	Discontinued. Interviewed complainant, conducted factual background research, mailed out requests for witness statements, and sent medical records release and reviewed medical records from Jail Health Services and Harborview Medical Center. Complainant then stated currently satisfied with location in a single cell area, was unable to provide any witnesses supporting allegations. Medical records did not support allegation of excessive force.
Complainant alleges excessive force by corrections officer.	Discontinued. Interviewed complainant and witnesses supporting the complainant's allegation of excessive force. Sent a form for a release of medical information. Allegations transmitted to DAJD with request for internal investigations unit review. Complainant subsequently filed Claim for Damages against the county. Case was forwarded to the Prosecuting Attorney's Office for a response, and closed pursuant to KCC 4.12.060.
Complainant objects to placement in psychiatric housing in King County Jail, and questions classification process.	Unsupported. Interviewed complainant, DAJD Classification's and Jail Health staff; reviewed infraction records, booking notes, and housing policies and procedures. Complainant was advised psychiatric housing assignments are directed by DAJD psychiatric staff and that no record of any infractions was found.

COUNTY EXECUTIVE

Synopsis	Disposition
Ethics Complaint	No reasonable cause exists to believe respondent violated Ethics Code. Complaint alleged respondent's use of county car for travel to campaign events violated Ethics Code. Analyzed arguments of complainant and respondent. Conducted independent legal and factual research and analysis. Based on applicable laws, and opinions rendered in similar cases by the state Public Disclosure Commission and Executive Ethics Board, concluded respondent's use of county car was normal and regular conduct and therefore authorized by law, as respondent has 24-hour-a-day law enforcement and emergency response duties.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant alleges that DDES/BSD charged excessive fees, did not respond to good faith attempts to resolve issues, turned unpaid contested charges over for collection, and unnecessary delays resulted in increased material costs from suppliers.	Unsupported. Transmitted complaint to agency; interviewed DDES staff; reviewed extensive file documentation and relevant local and state laws as well as policies and procedures. Complainant was advised that insufficient evidence was provided to support allegations; records and interviews show that fee waivers were reviewed by top management; fee waivers were granted where appropriate; extensive communication between parties is documented and delays were determined to be consistent with circumstances inherent in a complex commercial project.
Overzealous code enforcement; "disappearance" of equipment and tools subsequent to county abatement action. (Rural Ombudsman)	Discontinued. This case comes from another citizen's letter to the Council. The dispute with the Sheriff's Office and Code Enforcement is an old, complex one that would require a detailed, written complaint. Complainant has said on several occasions that he would write a detailed complaint, but also noted that even thinking about this case is very stressful for him. Several months have passed without a letter, and it may be that the complainant would like to let sleeping dogs lie. Closing this case; will start a new one if the complainant decides to pursue.
Notice and order not signed by authorized officer, and thus void. (Rural Ombudsman)	Unsupported. The DDES signature was authorized and valid, and the code outlining that was in place at the pertinent time. Thus the complaint was not grounded.

Synopsis	Disposition
DDES has unfairly assessed fees for review of permit and sent bill to collection agency. (Rural Ombudsman)	Unsupported. Given the broad discretion the Code grants DDES on fee waiver requests, given that his waiver request had been re-reviewed at the highest levels, given the large fee waiver (approximately 40%) DDES already granted, and DDES's recent decision to drop the finance charges, and given review of the file that showed no additional red-flags, DDES was within its discretion.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
(1) Animal Control staff were dishonest, uncooperative, and frustrated the complainant's attempts to adopt a dog; and (2) Animal Control policies and procedures were not followed.	Supported. Transmitted complaint to agency; conducted field visit to facilities; numerous interviews were conducted with Animal Control staff and citizen witnesses; reviewed department policies and procedures. Findings and recommendations submitted to the department. Complainant was advised that based on a preponderance of evidence standard the allegations were supported except for insufficient evidence that staff were dishonest and all recommendations were accepted by the department. Recommendations included adherence to policies and procedures, and customer service training.

NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Whistleblower complaint. (Rural Ombudsman)	Unsupported. Complainant alleged that supervisors work part-time on a Homeland Security grant was a conflict of interest. There was nothing in the granting document, nor anywhere else, that created conflict or an issue. Complaint appears to be a backdoor attempt to address a failed employee-manager relationship. Mediation option discussed, but complainant was not interested.

PUBLIC HEALTH

Synopsis	Disposition
Complainant is alleging that the Health Department is unfairly holding up septic approval.	Discontinued. Interviewed complainant and DPH staff and reviewed documentation provided by complainant and the department. Complainant advised that signing agreement with City of Renton to hook up to city sewer at first sign of any septic problems would be acceptable to the Health and it would then issue an occupancy certificate.

Synopsis	Disposition
Complainant alleges that an inmate is not receiving prescribed medications for injuries sustained prior to incarceration.	Resolved. Interviewed complainant, medical and psychiatric staff; provided Jail Health Services with names of inmate's medical providers and prescribed medications; sent medical records release request and reviewed records upon receipt. Complainant advised that Jail Health Services was responsible for inmate's medical treatment during incarceration including prescribing drugs. Further advised that appointments with physicians at Harborview Medical Center had been scheduled. Inmate satisfied that pain medications are appropriate.
Nurse provided complainant with another inmate's medication.	Discontinued. Interviewed complainant, conducted factual background research, and sent medical records release of information form to complainant. Complainant then expressed intent to file Claim for Damages against King County, and requested a claim form, which this office provided. Investigation file closed pursuant to KCC 4.12.060 (Risk Management). Allegations transmitted to DPH and DAJD directors with request for internal review and corrective action if necessary.
Refusal to provide access to medical specialist.	Discontinued. Interviewed complainant; relayed details of complaint to appropriate Jail Health personnel; received and reviewed complainant's Claim for Damages against King County; explained to complainant that complaint must be closed pursuant to risk management ordinance, KCC 4.12.060.
Inmate given medication overdose, resulting in inmate falling and injuring neck.	Partially supported. Jail Health staff member administered non-fatal overdose of insulin to complainant when his chart was confused with that of another inmate. Inmate fell and injured neck, but cause of fall not established. Interviewed complainant, obtained and reviewed medical records, formally transmitted complaint to department, reviewed department response, transmitted preliminary findings to department, reviewed additional department response, conducted additional independent factual background research, wrote detailed final findings, and sent to department and complainant.

Synopsis	Disposition
Inmate repeatedly missed medication doses despite treatment protocol requiring uninterrupted doses.	Supported. Agency failed to provide uninterrupted supply of medications, as prescribed to inmate suffering from potentially life-threatening disease. As part of investigation, interviewed complainant, and officials from JHS, Pharmacy Board, and state Health Department; relayed complainant's emergent medication allegations to JHS; obtained/reviewed complainant's medical records; obtained/reviewed Jail Health policies, procedures, and practices; conducted other independent factual and legal research and analysis. Final report includes Ombudsman concerns re: Quality Improvement Program as it relates to patient safety and potential County liability.
Alleges Jail Health Services nurse struck complainant in the head.	Unsupported. Transmitted complaint to agency. Reviewed inmate's medical records. Obtained statement from witness named by complainant. Available evidence did not corroborate allegation.
Contracted MRSA while in King County Jail.	Discontinued. Reviewed complainant's medical records. Complainant filed claim for damages. Pursuant to KCC 4.12.060(B)(1), case was closed after complainant filed claim.

SHERIFF'S OFFICE

Synopsis	Disposition
Written statement of rights of crime victims are not provided at Sheriff's precincts as required by RCW.	Resolved. Ombudsman recommended that the informational brochures be openly available at all precincts in addition to providing the information to victims at the time they report a crime. This issue had previously been brought to the attention of the Chief of Field Operations who had already begun working on making the informational brochures available at all precincts, storefronts, and headquarters. Ombudsman recommendation that information for victims of sexual assault be posted on KCSO website was also accepted.
Alleges: (1) unnecessary force; and (2) lack of response from IIU to complaint about deputy's conduct at Seahawks game.	(1) Inconclusive. Based upon available evidence, we could not determine whether unnecessary force was used to remove son from Seahawks game; (2) Supported. IIU did not contact complainants after receiving their complaint to acknowledge receipt or explain whether complaint amounted to misconduct or violation of policy, procedure, or law, or whether an internal investigation would be conducted. Ombudsman recommended that Sheriff's Office adopt Blue Ribbon Panel recommendation to improve processes and guidelines for taking, classifying, investigating, and responding to all complaints.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges violation of ethics code for failure to correct employee conflict of interest.	Withdrawn by complainant. Human Resources Manager responded on behalf of respondent and provided investigation summary stating that his preliminary findings suggested that the ethics code was not violated. Ombudsman did not issue report of findings of fact as to whether or not there is reasonable cause to believe ethics code was violated because complainant chose to withdraw complaint.
Alleges violation of ethics code for failing to take action when informed that employee had a conflict of interest.	Withdrawn by complainant. Human Resources Manager responded on behalf of respondent and provided investigation summary stating that his preliminary findings suggested that the ethics code was not violated. Ombudsman did not issue report of findings of fact as to whether or not there is reasonable cause to believe ethics code was violated because complainant chose to withdraw complaint.
Alleges violation of ethics code by use of information obtained by virtue of county employment for personal profit.	Withdrawn by complainant. Human Resources Manager responded on behalf of respondent and provided investigation summary stating that his preliminary findings suggested that the ethics code was not violated. Ombudsman did not issue report of findings of fact as to whether or not there is reasonable cause to believe ethics code was violated because complainant chose to withdraw complaint.

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

CONTACT CLASSIFICATION

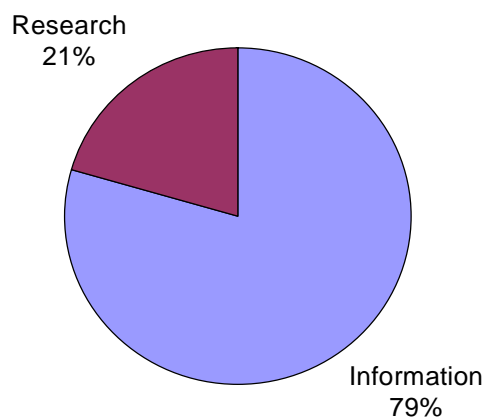
The Tax Advisor Office classifies taxpayer contacts into two categories:

- Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.
- Research: Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

Table C
Total Tax Advisor Contacts
September – December 2006

	Information	Research	Total
September	423	104	527
October	641	167	808
November	315	90	405
December	162	37	199
Total	1541	398	1939

Chart C
Total Tax Advisor Contacts
September – December 2006



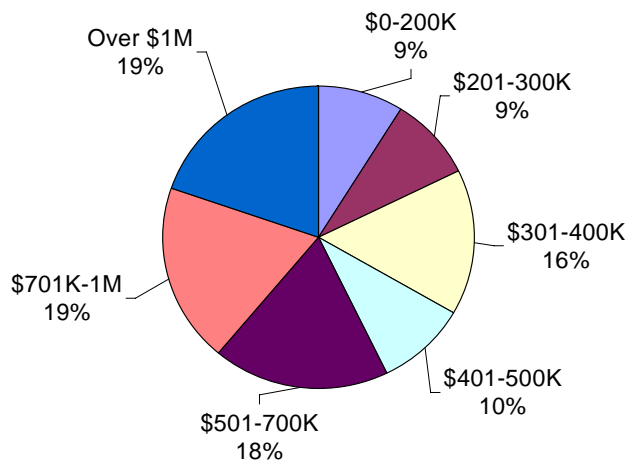
SALES SURVEYS

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

Table D
Sales Surveys – Assessed Property Value
September – December 2006

Assessed Property Value	Sales Surveys
\$0-200K	13
\$201-300K	13
\$301-400K	23
\$401-500K	14
\$501-700K	27
\$701K-1M	28
Over \$1M	29
Total	147

Chart D
Sales Surveys – Assessed Property Value
September – December 2006



TAX ADVISOR STATISTICS

Table E
Tax Advisor Inquiries by Council District
September – December 2006

District	Councilmember	Inquiries
1	Bob Ferguson	182
2	Larry Gossett	288
3	Kathy Lambert	156
4	Larry Phillips	188
5	Julia Patterson	130
6	Jane Hague	192
7	Pete von Reichbauer	143
8	Dow Constantine	233
9	Reagan Dunn	215
N/A	Unavailable	212
Total		1939

Table E
Inquiries by Council District
September – December 2006

